

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

STEPHANIE BENJAMIN,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	
	)	
OVERTON ASSOCIATES, LLP,	)	
UNITED STATES POSTAL SERVICE,	)	
JOHN DOES 1-10 (fictious names),	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

**JURISDICTION**

COMES NOW, plaintiff, STEPHANIE BENJAMIN, for her complaint, alleging as follows:

1. Plaintiff, for all times mentioned herein, resided at 60 Highland Avenue, in the Township of Franklin, County of Somerset, and State of New Jersey.
2. Plaintiff is informed and believes and herein alleges that the defendant, OVERTON ASSOCIATES, LLP, is a company incorporated in, and with its principal place of business in, the State of Tennessee.
3. Plaintiff is informed and believes and herein alleges that the defendants, OVERTON ASSOCIATES, LLP, UNITED STATES POSTAL SERVICE, and JOHN DOES 1-10 (fictious names, said real names being unknown), owned, operated, managed and/or maintained or had a duty to own, operate, manage and/or maintain, both individually and by and/or through their agents, servants and/or employees, certain premises located at 1062 Livingston Avenue, in the

Township of North Brunswick, County of Middlesex, and State of New Jersey, to wit: the United States Postal Office - North Brunswick.

4. This is action for damages in excess of \$75,000.00, as required by 28U.S.C. § 1332, and jurisdiction is based upon diversity of citizenship.

### **FIRST COUNT**

5. At all times the herein plaintiff, STEPHANIE BENJAMIN, was lawfully on the premises known as 1062 Livingston Avenue, in the Township of North Brunswick, County of Middlesex, and State of New Jersey, operating as the United States Post Office – North Brunswick.

6. At all times herein mentioned the defendants, OVERTON ASSOCIATES, LLP, UNITED STATES POSTAL SERVICE, and JOHN DOES 1-10 (fictitious names, said real names being unknown), individually and/or by and through their agents, servants and/or employees, maintained the aforementioned premises, including the entrance and exits, and stairs leading to and from thereto, in such a manner whereas the areas were in a dangerous condition.

7. On or about April 28, 2020, the plaintiff, STEPHANIE BENJAMIN, was exiting the Post Office in North Brunswick, and tripped on stairs exiting from said premises, injuring herself.

8. At said time and place, defendants, with gross negligence and wanton disregard for the safety of others, failed to properly maintain the entrance/exit stairs of said Post Office building.

9. Plaintiff was injured as a direct result of the dangerous condition of the stairs, the same having been directly and proximately caused by the negligence and wanton conduct of the defendants.

10. At the aforementioned time and place, the defendants, by and through their agents, servants and/or employees, disregarding said duty, caused said dangerous condition to exist, failed to remedy same, and failed to warn plaintiff of said dangerous condition,

11. By reason of said negligence, and as a proximate result thereof, plaintiff suffered injuries consisting of, but not limited to, severe injuries, bruises, contusions, strain to all muscles of her body, severe pain; the injuries thus received by the plaintiff have greatly impaired her health, strength and activity and have thereby caused and continue to cause her great mental, physical and nervous pain and suffering and extreme shock to the plaintiff's nervous system; and the plaintiff is informed and believes, and thereon alleges, that the injuries will result in some disability to her, all to her general damage in an amount in excess of \$75,000.00.

12. As a further, direct and proximate result of the carelessness and negligence of the defendants, plaintiff was prevented from attending to her usual occupation or any occupation whatsoever and has been damaged in an amount not yet ascertainable, plaintiff is informed and believes thereon alleges that by reason of said carelessness and negligence of the defendants, plaintiff will in the future, be prevented from attending to her usual occupation for an undetermined period of time, all to her further special damage in an amount to be proven at trial.

WHEREFORE, plaintiff, STEPHANIE BENJAMIN, demands judgment against the defendants, OVERTON ASSOCIATES, LLP, UNITED STATES POSTAL SERVICE, and JOHN DOES 1-10 (fictitious names, said real names being unknown), for general damages in excess of \$75,000.00, reasonable attorney's fees and cost of suit and such other and further relief as the Court may deem proper.

### **SECOND COUNT**

13. That all times hereinafter mentioned, plaintiff, STEPHANIE BENJAMIN, repeats, reiterates and realleges each and every allegation contained set forth in the above complaint with the same force and effect as though more fully set forth at length herein.

14. At all times mentioned herein, plaintiff STEPHANIE BENJAMIN, was and still is a resident of the County of Somerset, State of New Jersey.

15. At all times mentioned herein, defendants were and still located at 1062 Livingston Avenue, in the Township of North Brunswick, County of Middlesex, and State of New Jersey.

16. The aforesaid occurrence was due to the negligence of the defendants.

17. The defendants were individually and/or by and through their agents, servants and/or employees, negligent in maintaining the aforementioned premises including the entrance and exits to said premises in such a manner where the areas became and/or caused a hazard and dangerous condition to exist.

18. The injuries of the plaintiff, STEPHANIE BENJAMIN, were caused wholly and solely though the negligence of the defendants without any fault on her part thereto.

19. The plaintiff, STEPHANIE BENJAMIN, sustained painful, permanent and disabling personal injuries requiring her to seek and obtain medical care and treatment and disabling her from her normal and usual daily activities.

20. The result thereof, plaintiff, STEPHANIE BENJAMIN, has been damaged in the sum of Nine Hundred Twenty-Five Thousand Dollars (\$925,000.00).

WHEREFORE, plaintiff, STEPHANIE BENJAMIN demands judgment against defendants, OVERTON ASSOCIATES, LLP, UNITED STATES POSTAL SERVICE, and JOHN DOES 1-10 (fictitious names, said real names being unknown), in the sum of Nine Hundred Twenty-Five Thousand Dollars (\$925,000.00) on the second cause of action together with interest, costs and disbursements of these actions.

**JURY DEMAND**

21. Plaintiff asserts her right under the Seventh Amendment to the United States Constitution and demands, in accordance with Federal Rule 38, a trial by jury on all issues.

JABIN & FLEMING, ESQS.

Dated: 4-20-2022

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